May 18, 2007

Louise Pagé-Valin
Associate Vice-President
Human Resources Services
University of Ottawa
Tabaret Hall
550 Cumberland Street
INTRA
(and by e-mail)

Dear Mrs. Pagé-Valin:

Notice of grievance: Unethical behaviour and misfeasance of President Patry, VP-Academic Major, and Dean Lalonde in removing Prof. Rancourt from all first-year courses that he has developed.

This grievance is made public, in the interest of transparency and the public good.

WORKLOAD ATTRIBUTION ANOMALIES

I was informed of my workload for academic year 2007-2008 on April 30, 2007.

The workload assignment is a break with my previous workloads in that:

(1) whereas I have always taught first-year courses as part of my overall teaching load in my 21 years at the university and whereas I asked to continue doing so, I have been removed from all first-year courses and I have been given only fourth-year and graduate courses,

(2) the number of separate courses assigned to me was doubled compared to the number of courses I gave the previous year (PHY 5130, 4770, 4006/4906, 4385/5100 versus SCI 1101, PHY 1722), whereas the size of the research group that I supervise has not changed, nor have my other work activities, and

(3) the 8-month weekly Cinema Politica documentary film and discussion series that I run was explicitly removed from my recognized workload and it was suggested that I "do this out of personal interest, like stamp collecting" and that I "attempt to reserve the classroom via the conference reservation system" like an outside user.

The courses removed are three first-year courses that I have developed and that I have been the only professor ever to give. In comparison, the courses assigned are advanced technical courses comprising small classes of 15 or less.

This unjustified shuffling will require at least three other professors to prepare new courses that they did not request. For example, the professor who has been giving PHY 4770 asked to keep this course instead of being given a new course that was taken from another professor. He was told that the administration wanted to give PHY 4770 to me.

The three courses removed from my workload are:

(1) PHY 1722, Principes de Physique II (for life sciences students)

This was a newly restructured course previously coded PHY 1702, with approximately 50% new content. It was given only once and for the first time in the faculty, in the winter 2007 term, when I successfully introduced a novel grading and self-motivation teaching method. My department chairman expressed concerns about the new methods to one of the TAs in the course but never mentioned this to me. The voluntary student attendance rate at class was 88%, compared to less than 50% or so in most other first-year physics courses (except when in-class tests are given). Data was collected that can be analysed to compare the amount of physics learned with the amount learned in the course before restructuring.

(2) PHY 1703, Physique et environnement

This is a required course in the Environmental Studies (ES) program in the Faculty of Arts. It was first offered in the then-new ES program in the fall of 1997. I had been specifically approached to develop and give this course by the then-director of the ES program. I have always given this course except once when on sabbatical leave, where I nonetheless helped the contract professor organise his delivery. It is one of the few most appreciated courses in the ES program.

(3) SCI 1101/1501, Science in Society

This new and unique course was spearheaded by students and me as the popular "activism course" and accepted as a new course after an exceptional 11-month and 16-committee process. It was given only once in the fall 2006 term. In the final stage of the course acceptance process, the Executive of the Senate promised (after re-writing the course description) that the course's S/NS grading system would be studied for two full years and that the course would alternate between the English and French versions (as recorded in the minutes of that meeting). Therefore, there was a commitment that SCI 1501 be offered in the fall 2007 term.

In expressing my workload preferences to my chairman, I had proposed that PHY 1703 and SCI 1501 be given jointly by me in the fall of 2007. I explained how both courses

used weekly invited expert speakers and how the themes were close enough for the speakers to be shared. The other parts of the courses were to be accommodated by the parallel workgroup method that I have developed, thereby allowing the different topics to be covered. I reminded my chairman that mixed interdisciplinary classes have demonstrated pedagogical advantages.

The imposed changes in workload and the anomalous machinations surrounding it are not administrative accidents or mistakes, nor are they intended to optimize resources or to benefit the students. The record (e.g., above, below, and supporting documents) shows that this executive decision was a reprisal for course content, for pedagogical innovation and grading methods, and for political outlook, and therefore violates academic freedom.

There were other, telling, contraventions of Collective Agreement procedures in assigning my 2007-2008 workload. I was never consulted or informed of the administration's intensions despite my many attempts to discuss my workload with my dean (Science). My chairman (Physics) could not discuss my workload with me, as required by the Collective Agreement, until the dean had discussed the Science-code component SCI 1101 with me and informed my chairman and me of the faculty status of this course. During five separate scheduled conversation attempts, the Dean refused to do so.

CONTEXT OF HARASSMENT AND REPRISAL

My removal from all first-year courses has occurred in a broad and sustained context of harassment and interference that has been documented in several filed grievances (and unfounded disciplinary attempts):

(G1) Filed October 12, 2005: To grieve the Dean's in-class intervention of September 21, 2005, to suspend PHY 1703, F2005, for allegedly not following the official course description. The latter charge was never subsequently brought forward by the employer. This grievance was taken up by the APUO.

(G2) Filed November 16, 2005: To be shown an alleged student complaint used by the Dean to initiate a disciplinary investigation into my invitation to students to publicly criticize the university on campus radio (CHUO 89.1 FM). The Disciplinary investigation was dropped and it was demonstrated during the grievance process that the alleged separate student complaint about the CHUO invitation did not exist.

(G3) Filed November 28, 2005: For harassment by the employer related to four unfounded disciplinary attempts and several other incidents. The failed disciplinary attempts were as follows:
● //D1// Initiated October 24, 2005: For inaccurately describing the PHY 1703 F2005 course on a non-university web site and for allegedly illegitimately using the S/NS (satisfactory/non-satisfactory) grading system in PHY 1703 F2005,

● //D2// Initiated October 25, 2005: Based on a non-existent student complaint, for my invitation for students to criticize the university on CHUO 89.1 FM,
● //D3// Initiated November 1, 2005: Based on an unfounded complaint by the Jewish Student Association (JSA) in relation to a PHY 1703 F2005 lecture by an invited speaker critical of US foreign policy in the Middle East, and
● //D4// Initiated November 3, 2005: For allegedly being unethical toward graduate students by stating that some teacher assistants (TAs) do not understand first-year physics concepts as well as some first-year students, in making a point about pedagogy.

(G4) Filed January 12, 2006: To establish my Collective Agreement right to use the S/NS grading system in my teaching, after the Dean sent a memo announcing a new *ad hoc* non-Senate-approved Faculty of Science regulation preventing professors from using the S/NS grading system, following my announced plan to use S/NS in PHY 1702 W2006. This grievance was taken up by the APUO as a collective grievance.

(G5) Filed February 27, 2006: To have the employer rescind its letter of reprimand resulting from the above disciplinary attempt-//D1//. The letter is itself an unethical use of the Collective Agreement disciplinary process. This grievance was taken up by the APUO.

(G6) Filed June 20, 2006: To have the Dean disciplined for lying about the existence of a separate student letter of complaint regarding my invitation for students to criticize the university on CHUO 89.1 FM (above item-//D2//). This grievance is now in process for the APUO to decide if it will take it up.

(G7) Filed July 10, 2006: To have the employer publicly rescind all its letters of insinuation and accusation regarding its bogus disciplinary attempts //D3// and //D4// (above). This grievance is now in the first stages of negotiation (Step-1), before the APUO is asked to take it up.

(G8) Filed January 3, 2007: For sustained and continued harassment by the employer related to: many incidents of official accusation, interference, and obstruction in connection with my offering of SCI 1101 (Science in Society) in the fall of 2006; bias in disciplinary treatment; and for not intervening to curb and repair a chairman's unethical behaviour against me. This grievance is now in the first stages of negotiation (Step-1), before the APUO is asked to take it up.

Additional elements of the context include several lawsuits undertaken by students against the university, in relation to SCI 1101. These include five students who are separately suing the university for not providing adequate TA support for SCI 1101, Fall 2006, and two students who have filed Ontario Human Rights complaints against the university for being expelled from SCI 1101, fall 2006, on the basis of age. The President has linked the latter case to his negative opinion of SCI 1101, fall 2006 (see supporting evidence).

Treatment of a second-year course proposal (to create SCI 2101) is another example of the harassment context. Although it would be a simple free-elective course with only SCI 1101 as a prerequisite and that would not be required by or attached to any academic study program, and although it would be very similar in theme and philosophy to its already accepted prerequisite (SCI 1101), there has been unparalleled resistance to fairly considering its creation.

I presented the new course proposal to the Undergraduate Program Committee of the Faculty of Science on January 30, 2007. Student Senate member Nathalie Payette had asked to be present at the meeting as a silent observer and was refused. Committee members agued that I should withdraw the proposal and communicated only their negative bias rather than providing any valid reasons for not offering this course, the creation of which is supported by a petition of several hundred names. This committee then voted to not recommend further consideration of the course, without informing me, without sending me the minutes of their closed-door meeting, and without providing me with any information or feedback that would allow me to improve or re-submit the course proposal.

Next was an attempt by the Dean of the Faculty of Science to veto an agenda item that would have discussed the possible creation of this second-year Science in Society course (SCI 2101) at Faculty Council on April 5, 2007. This veto was against the Faculty By-Laws and counter to the principles of a democratic council. The circumstances related to this conflict within the faculty have lead to an official complaint (University Policy 110) of alleged unethical behaviour against nine professors, submitted by the student Faculty Council member who is advancing the agenda item and who has made the existence of his complaint public. The student has publicly stated that he intends to file a judicial review of the Dean's decision to veto the agenda item, as this decision was officially supported in writing by both the President and the VP-Academic.

The issue of the Dean's veto of the SCI 2101 agenda item also gave rise to another Policy 110 student complaint against a faculty officer by another student who simply wanted to clarify the Dean's justification for applying a veto.

It appears that the Faculty of Science and the Dean are in a state of over-reaction in opposing my professional initiatives and available evidence indicates that this unwarranted opposition is being condoned by the upper administration.

As yet another example of the harassment context, the Dean has recently (May 14, 2007, letter, supporting document) initiated a new disciplinary investigation against me based on a letter of complaint signed by 52 APUO members (professors) of the Faculty of Science. Although this letter of complaint (received by the Faculty on April 27, 2007, supporting document) is obviously unfounded and vexatious, the Dean has chosen to use it to initiate a disciplinary investigation, thereby conveying its content to me with his implied approval, rather than trying to defuse the situation. I do not believe that 52 colleagues would write such a letter if the climate was not one where the upper

administration condones a negative bias against my professional initiatives and against my person.

The above elements of context illustrate an institutional culture where independent thought and criticism are opposed rather than encouraged and where improving societal relevance, practicing institutional self-criticism, and developing new pedagogical methods are punished rather than facilitated. None of the conflicts with the university would have occurred if the university had not repressed the corresponding initiatives that are in line with a professor's duties and with the university's Vision 2010 mission statement.

WORKING AGAINST THE STUDENTS AND THE COMMUNITY

This section shows that the litigious actions and positions of the administration have gone against student and community requests and desires, against the interests of students, and against pedagogical interests; privileging bias, control, and a status quo political outlook.

[1] SCI 1101, Science in Society (the activism course)

I have been removed from the popular SCI 1101 Science in Society course (that I developed), after giving it only once in the university's largest auditorium, despite unprecedented support that includes:

(1) A 2005 petition of three hundred names for its creation.

(2) Official support for its creation from the 30,000 member student association, the SFUO.

(3) Nine outstanding 2006 letters to the President in support of SCI 1101 from community members.

(4) A 2006 petition of nearly 300 names to have a second-year Science in Society (SCI 2101) course created.

(5) Many letters of request to the President regarding the SCI 1101/1501 offering for the fall 2007.

(6) Many students attempting to pre-register for SCI 1501, fall 2007, that was not in the registration system as expected.

(7) Unprecedented popularity of and satisfaction with this Faculty of Science service course, as amply expressed in registration numbers and by registered students and auditors, and all observers who attended any lecture.

The Dean has made *ad hoc* enquiries and accusations (see supporting documents) about SCI 1101, that I have always answered, but he never initiated a formal investigation to support his and the upper administration's unfounded conclusions about SCI 1101. These unfounded views appear to have motivated the recent workload retaliation. All such concerns appear to be based on gossip (some reported in the media, see supporting documents) from individuals who did not attend classes and on other irrelevant items reported in the media, such as independent student lawsuits against the university.

In the SCI 1101, fall 2006, course I implemented a classroom policy of open participation and contribution from community members, as part of the pedagogical method. This policy was explicitly banned in writing by the Dean of Science (see supporting document) and was criticized by the VP-Academic at the Executive of the Senate meeting of August 14, 2006. It was then allowed to be implemented, by not responding to my objection. It was a great success, with mutual benefit to both students and community members. At certain classes, the auditorium of nearly 500 seats would fill.

By removing me from SCI 1101, and by not offering SCI 1101 or by offering it via a professor who would not implement and advertise the open policy, the university is effectively barring community participation and depriving students from vital community input. This is contrary to the university's Vision 2010 mission statement, which I, perhaps naively, took seriously.

[2] PHY 1722, Principes de physique II (for life sciences students)

I have been removed from PHY 1722, after having given it only once, despite: high student satisfaction, unprecedented voluntary in-class attendance (documented by a TA), successful application of a new grading and self-motivation pedagogical method, and excellent student academic results.

I have made special efforts to deliver this new course as best as possible while implementing current pedagogical advances. The student response to the novel methods and to the subject was positive beyond my expectations based on 21 years teaching first-year physics.

By all informed accounts (myself, students, and TAs) the course was a success. I asked to continue giving it. Yet I was removed from this course, thereby forcing another professor to prepare it as a new course, without the possibility of discussing this decision and without being given a reason, without being consulted or informed in any way. This violates the Collective Agreement.

The executive decision appears to disadvantage students and to be contrary to an efficient use of university resources.

[3] PHY 1703, Physique et environnement

I was not given PHY 1703 (given every two years for the ES program) for the first time since this course was created despite a strong letter of support and request to the Dean (supporting document) signed by all the executive members of the ES Student Association, all students who had taken the course previously. The letter from the students dated March 15 (or 16), 2007 (supporting document), was not acknowledged or answered by the dean.

The course PHY 1703 has not been attributed in the workloads of my colleagues, which means that it will be given by a sessional lecturer for whom it will be a new and demanding course. Sessional lecturers do not generally have the required physics and environmental backgrounds for this course (I am an environmental science researcher and a professor of physics) or the desirable experience teaching to Faculty of Arts students.

This implies that the decision to remove me from PHY 1703 will probably be a disservice to both students and the Environmental Studies program.

Again, no consultation occurred and I was given no reasons or explanations as to why I was removed from this course. In addition, the administration has previously stated in writing that it had no problems with course content the last time PHY 1703 was given (by me).

DEFAMATION

On the one hand, I am a dedicated professor and much appreciated and highly regarded teacher who has done an outstanding job developing and delivering SCI 1101 in particular. This new course is eminently in line with the university's Vision 2010 mission statement. It is the first "SCI"-code course in the Faculty of Science and was the first course of its kind, emphasizing the role of activism in science-society interactions, on campus. The interim Dean of Science, André Lalonde, in September 2007 congratulated me on bringing renowned Afghan MP Malalai Joya to open the first class to an overflowing auditorium and asked "you must be proud of the course and your achievements?" The course has deeply touched hundreds of students and community members and enriched their lives. Several lectures from the course have been extensively reported on information websites. Informed positive articles and editorials have been written about the course in recognized journals and media outlets. The experiment is followed by dozens of teachers and researchers in pedagogy from around the world.

On the other hand, the President, Mr. Gilles Patry, and the VP-Academic, Mr. Robert Major, have defamed me by vehemently stating to several students that I did not deliver SCI 1101, fall 2006, properly, in that I "did not follow the course curriculum", that they will not allow me to teach SCI 1101, that I "am only interested in making trouble for the university", and that the speakers I invited were not appropriate for SCI 1101. Such messages were also conveyed to the media via the university's media relations office.

The fact that these defamatory statements are recorded in two separate student reports related to two separate events, that these reports have been sent to and not denied by the President, that one event was an *ad hoc* university negotiation whereas the other event was a business social function, all suggest that these unfounded views are liberally expressed to students and others by the President and VP-Academic.

It is unethical and inappropriate for university executives to make unfounded statements about performances of a professor to anyone and to students in particular (in order to justify executive interventions) even if such comments do not damage the professor's reputation.

CONFLICT OF INTEREST

My documented view of environmental science (as an environmental science and societal researcher), expressed in SCI 1101 and broadly reported on the web in 2005 and 2006, is one that is very critical of the environmental science enterprise and of environmental scientists' role in serving corporations rather than informing and alerting the public. On environmental issues, I communicate an anti-corporate position in favour of democratic and government control, rather than via market mechanisms and corporate funding.

The president, Mr. Gilles Patry, is an environmental science and engineering researcher and business entrepreneur who has continued to have strong business ties with the environmental corporate sector.

Therefore, the President's intervention in removing me from SCI 1101 (see below) is not only an abuse of his executive power in the democratic and collegial university context, but it is also a decision that puts him in conflict of interest.

MISFEASANCE AND UNETHICAL BEHAVIOUR

It would be unlikely that the views expressed to students by the President and by the VP-Academic in defaming me (above) would not also be expressed to the Dean who is directly responsible for attributing my workload. Indeed, the President and VP-Academic, in discussion with several students about SCI 1101 on April 4, 2007, repeatedly and emphatically stated (see supporting documents) that (on their authority) I would not be allowed to teach the SCI 1101 course.

At that meeting, the President and VP-Academic falsely claimed that I had been offered to teach the course in the Faculty of Social Sciences. (The latter is commonly called a lie, since the executive officers must know that this is not true. The same false claim was made by a university media relations officer on April 4, 2007.)

On another occasion (see supporting documents) the president stated to a student that SCI 1101 speakers did not cover science in society topics, that "Dr. Rancourt has been hired

to teach physics, and I have a university to run", and that "I will not change my position on this issue for as long as I am Rector of the University of Ottawa."

These records show that the President and VP-Academic directly intervened in the attribution of my workload, something that is disallowed by the Collective Agreement. The Dean has also stated to me that he has had communications "about my case" with the upper administration. He once explained to the media (Le Droit) that "Professor Rancourt is well known by the upper administration", in an interview that itself was libellous on the face of it.

In contrast to these executive interventions, when asked about my SCI 1101 course, the President has stated in writing to community members that "universities have a long tradition of working in a collegial and democratic environment" and that "It would … be inappropriate for the President to decide who should or should not be teaching a given course."

It appears, therefore, that the president has both intervened in my workload and mislead the public.

The stated reasons for these executive interventions are that I did not run SCI 1101, fall 2006, correctly, that I "did not follow the course curriculum". Other employer complaints or concerns have included use of the S/NS grading system and my open door policy regarding community contributions and participation. All of this is in contrast to the University of Ottawa Vision 2010 mission statement that states "We do our utmost to help our students … enhance their ability to question and analyze … to become well-rounded, responsible citizens … We … perform our social, political and community-outreach roles … We encourage freedom of expression in an atmosphere of open dialogue, enabling critical thought, supported by intellectual integrity and ethical judgment. Collegiality, transparency and accountability are the principles that guide our university governance … We support and recognize initiatives designed to implement a range of new and diversified strategies for learning and evaluation … We ensure that community members take a more active part in the decision making process and are promptly informed of decisions …"

It appears that the executive is sending a double message by punishing a professor for enthusiastically trying to implement Vision 2010 in the university's most important function: teaching.

The above described collaborative actions of the President, VP-Academic, and Dean were arbitrary, unfounded, and irresponsible and constitute a breach of the public trust in addition to multiple violations of the Collective Agreement. They constitute misfeasance.

REPARATION

The President, VP-Academic, and Dean should be forced to resign and never again occupy executive positions at the University of Ottawa.

My workload should be assigned properly, without bias, and using stated legitimate criteria, as soon as possible and well before the start of classes in September 2007.

To counter the university's attack on academic freedom, a budget of $500,000.00 for the next five years should be established to fund freedom of expression activities (e.g., conferences and workshops) organized by students (e.g., SFUO, GSAED, OPIRG, and other groups) and to fully fund the speakers and required TAs for SCI 1101/1501 and PHY 1703, without administrative censorship.

To partially compensate for my professional loses as a researcher due to the harassment that the employer has practiced against me since September 2005, $500,000.00 should be deposited in a research account for my use in academic research.

As partial compensation for the damage I have suffered (emotional, physical, to my professional reputation, and to my reputation as a teacher) the employer should pay me $10,000,000.00.

Please allow me to remind you (13.4.2) that the employer must convene a Step-1 mediation meeting within 10 working days.

Sincerely,

Denis Rancourt
(Professor)
Department of Physics

cc: APUO, by e-mail.
cc: Dean of Science, President, VP-Academic, by e-mail
cc: Chairman of Physics, by e-mail
cc: GSAED Executive, by e-mail
cc: SFUO Executive, by e-mail

LIST OF SOME SUPPORTING DOCUMENTS, NOT ATTACHED
(Available as needed, by request)

1. DGR and interim Dean Thomas Moon's email exchange about SCI 1101 and community participation.

2. Workload assignment sheet for DGR and cover letter dated April 24, 2007, received April 30, 2007.

3. Description of the Cinema Politica series, dated 2006, originally sent to DGR's DTPC.

4. DGR email to President, dated XX, concerning Dean's position on Cinema Politica

5. Student Jean-Paul Prévost's email to President, dated XX, summarizing their XX conversation.

6. DGR email to President, dated XX, to confirm the three-student report on their meeting with The President and the VP-Academic of XX.

7. Nine 2006 letters to the President from community members in support of SCI 1101, fall 2006.

8. XX 2007 letters to the President from community members of concern regarding the signals to remove DGR from SCI 1101, with some answers from the President.

9. Executive of the Environmental Studies Student Association email to Dean of Faculty of Science in support of DGR teaching PHY 1703, fall 2007. (No answer was received.)

10. DGR email to President, dated XX, about workload process anomalies and need to discuss. (No answer was received.)

11. Texts of previous grievances filed by DGR.

12. DGR's lawyer's letters to President, with answers, concerning chairman St-Amant

13. DGR and Physics Chairman's email exchanges about workload.

14. DGR and Dean email exchanges about SCI 1101, fall 2006, course content.

15. List of dates of scheduled conversations between DGR and Dean, intended to discuss the workload.

16. Irrelevant media reports that illustrate the negative gossip being generated concerning SCI 1101.

17. Le Droit article, dated XX, about Foster Twins, Dean's statements.

18. May 14, 2007, disciplinary investigation letter and attached complaint.